

Appl. No. 09/496,990
Amdt. Dated 11/10/2005
Reply to Office action of 7/22/2005

REMARKS/ARGUMENTS

Claims 1-60 are pending in the present application..

This Amendment is in response to the Office Action mailed July 22, 2005. In the Office Action, the Examiner rejected claims 1-60 under 35 U.S.C. §102(e). Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Claim Objections

1. The Examiner objects to claims 4, 16, 28, 40, and 52 due to informalities. The Examiner indicates the limitation "the cell rate" goes back to the ECR in claim 1, while there is a different cell rate in claims 3, 15, 27, 39, 51 and that this is unclear whether there is lack of antecedent basis or it is just unclear which cell rate is being referred to. In response, Applicants have amended claims 4, 6, 18, 20, 40, and 52 to correct the minor informalities.

Accordingly, Applicants respectfully request that the Examiner withdraw the objection to claims 4, 16, 28, 40, and 52 .

Rejection Under 35 U.S.C. § 102

2. In the Office Action, the Examiner rejected claims 1-60 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,490,249 issued to Aboul-Magd ("Aboul-Magd"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a *prima facie* case of anticipation.

Aboul-Magd discloses an adaptive connection admission control scheme for packet networks. A hybrid connection admission control (CAC) function combines both the mathematical and the measurement aspects of the traffic (Aboul-Magd, col. 3, lines 37-40). The computation of the equivalent bit rate (EBR) depends on the traffic expected and the QoS parameter of interest (Aboul-Magd, col. 4, lines 58-60). The actual utilization is measured as the average load on the link per service class measured on a regular interval basis (Aboul-Magd, col. 5, lines 3-5). The rates assigned to the different bandwidth pools are based on the expected traffic pattern. The sum of the pool rates could be made equal to or, greater, or smaller than the link rate to allow for over-booking or under-booking (Aboul-Magd, col. 6, lines 12-16).

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Aboul-Magd does not disclose, either expressly or inherently, (1) a first estimator to estimate an equivalent cell rate (ECR) based on description of the connection request, the description including a booking factor; (2) a second estimator to estimate a measured utilization factor for admitted connections in the network using measurements of data streams arriving at queues and the booking factor; and (3) a controller coupled to the first and second estimators to generate an admission decision for the connection request based on the estimated ECR and the estimated measured utilization factor.

The Examiner states that Aboul-Magd teaches a first estimator to estimate an equivalent cell rate (ECR), citing Aboul-Magd (col. 3, lines 38-40; col. 4, lines 56-60). Applicants respectfully disagree. The cited portions merely state that the hybrid CAC function combines both the mathematical and the measurement aspects of the traffic (Aboul-Magd, col. 3, lines 38-40), or the computation of the EBR depends on the traffic and the QoS (Aboul-Magd, col. 4, lines 58-60). The CAC and EBR computations are not related to the estimation of the ECR based on a description of the connection request. The equivalent bit rate (EBR) is not the same as the equivalent cell rate (ECR). The EBR depends on the traffic expected and the QoS parameter (Aboul-Magd, col. 4, lines 58-60). In contrast, the cell rate may be a peak cell rate (PCR), a sustained cell rate (SCR), a maximum burst size (MBS), or a minimum cell rate (MCR). (See specification page 9, lines 7-11)

The Examiner further states that Aboul-Magd discloses a second estimator to estimate a measured utilization factor (Office Action, page 3, lines 4-7). Applicants respectfully disagree. Aboul-Magd merely discloses the actual utilization being measured as the average load on the link per service class (Aboul-Magd, col. 5, lines 3-5), not a measured utilization for admitted connections. Furthermore, this actual utilization does not include the booking factor.

Regarding claims 6, 18, 30, 42, and 54, the Examiner states that Aboul-Magd teaches the first estimator comprising a scale factor generator and a scaler to scale the cell rate (Office Action, page 4, lines 6). Applicants respectfully disagree. Aboul-Magd does not disclose that the computation of the EBR includes generating a scale factor, using a look-up table indexed by connection descriptor and/or scaling the cell rate. Aboul-Magd merely discloses mapping the traffic parameters to an adequate statistical model and assumptions on the scheduler and buffer size (Aboul-Magd, col. 2, lines 20-24), or using the extending Gibbens-Hunt (EGH) algorithm

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(Aboul-Magd, col. 2, lines 40-59). None of these involves the use of a scale factor with a look-up table.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Since the Examiner failed to show that Aboul-Magd teaches or discloses any one of the above elements, the rejection under 35 U.S.C. §102 is improper.

Therefore, Applicants believe that independent claims 1, 13, 25, 37, 49 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejection(s) under 35 U.S.C. §102(e) be withdrawn.

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Conclusion

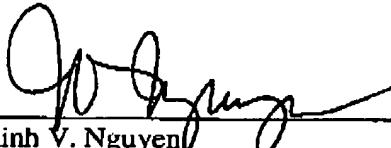
Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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By


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